

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

JACOB F.,

Claimant,

vs.

INLAND REGIONAL CENTER,

Service Agency.

OAH No. 2011080641

**DEFAULT DECISION**

This matter was scheduled for hearing before Administrative Law Judge Roy W. Hewitt, Office of Administrative Hearings, at the Inland Regional Center, in San Bernardino at 1:00 p.m. on September 27, 2011.

The Inland Regional Center (agency) was represented by Jennifer Cummings, Program Manager, Fair Hearings and Legal Affairs.

No one appeared on claimant's behalf.

Claimant's representative, his father (father), contacted the agency via email on September 23, 2011, at 3:24 p.m. indicating that due to "my deteriorating health and disability" he could not physically appear at the hearing to represent claimant. Father further stated in his email that "I am not approving a continuance or dismissal. . ." The next morning, Saturday, September 24, 2011, at 11:16 a.m., Ms. Cummings responded to father's email. Ms. Cummings asked, "Would you like to participate in the hearing via telephone?" Father failed to respond to the inquiry. This matter concerns legal fees, the alleged "failure to comply with the OAH's last ruling and has not resolved issues in good faith." The burden is on claimant to diligently prosecute his appeal/fair hearing request. Claimant's representative was properly notified of the date, time and place of hearing and failed to appear for the hearing. Consequently, claimant is deemed to have abandoned his appeal.

## ORDER

Wherefore, the following Order is hereby made:

Claimant's appeal/fair hearing request is dismissed.

DATED: September 30, 2011.

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ROY W. HEWITT  
Administrative Law Judge  
Office of Administrative Hearings

Note: This is a final administrative decision pursuant to Welfare and Institutions Code section 4712.5(b)(2). Both parties are bound hereby. Either party may appeal this decision to a court of competent jurisdiction within 90 days.